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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Juan Xavier Gloria, ) No. CV 04-0392-PHX-DGC (DKD)  
10 Petitioner, )  
11 vs. ) **ORDER**  
12 Johnny Tucker, et al., )  
13 Respondents. )  
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15 On June 23, 2005, the Court accepted a Report and Recommendation (“R&R”) recommending dismissal of Petitioner’s writ of habeas corpus as untimely. Doc. #24. Petitioner filed a motion to appoint counsel and a motion to reargue on July 19, 2005. (Doc. ##26, 27). The Court construed Petitioner’s motions as motions for reconsideration of the Court’s dismissal of the habeas petition, and on September 6, 2005, the motions for reconsideration were denied. Doc. #28. *Id.* On October 28, 2005, Petitioner filed a motion for relief from judgment. Doc. #29.

22 The Court will construe Petitioner’s motion as a second motion for reconsideration. The Court has discretion to reconsider and vacate its Order. *See Barber v. Hawaii*, 42 F.3d 1185, 1198 (9th Cir. 1994); *United States v. Nutri-Cology, Inc.*, 982 F.2d 394, 396 (9th Cir. 1992). Motions for reconsideration are disfavored, however, and are not the place for parties to make new arguments not raised in their original briefs. *See Northwest Acceptance Corp. v. Lynnwood Equip., Inc.*, 841 F.2d 918, 925-26 (9th Cir. 1988). Nor is it the time to ask the Court to rethink what it has already thought.

1 The Court will deny Petitioner's second motion for reconsideration because  
2 Petitioner's objections do not warrant relief from judgment. Petitioner reiterates the  
3 underlying bases for his petition for writ of habeas corpus, but the fact still remains that  
4 his habeas claim was filed well after the deadline and he has not shown that extraordinary  
5 circumstances prevented him from filing on time. Therefore, Petitioner's second motion for  
6 reconsideration is denied.

7 **IT IS ORDERED** Petitioner's Motion for Relief from Judgment (Doc. #29) is **denied**.

8 DATED this 5<sup>th</sup> day of January, 2006.

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12 \_\_\_\_\_ David G. Campbell \_\_\_\_\_  
13 United States District Judge  
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